

ORDINANCE NO. 2024-6
AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF MORGAN
COUNTY, INDIANA AMENDING MORGAN COUNTY CODE § 30.04 TO
FURTHER DEFINE THE ROLE OF THE PURCHASING AGENTS AND
ESTABLISH A PURCHASING POLICY FOR THE COUNTY

WHEREAS, Morgan County, Indiana (the "County") is a county organized and existing entity under the provisions of Ind. Code § 36-2-2 *et. seq.*;

WHEREAS, under Ind. Code § 36-2-2-1 the Morgan County Commissioners ("Commissioners") serve together as the Executive of the County (the "Executive"); and

WHEREAS, the Commissioners desire to amend the County's purchasing policy; and

WHEREAS, Indiana Code § 5-22 applies to every expenditure of public funds by a governmental body and the County is a governmental body thereunder;

WHEREAS, Indiana Code § 5-22 authorizes the county to establish purchasing agents for the county, and Morgan County Code § 30.04 currently designates certain persons to act as purchasing agents for the County; and

WHEREAS, the Commissioners have determined that it is in the public interest to establish a more comprehensive purchasing policy for the County for each purchasing agent to follow when making expenditures on behalf of the Commissioners and County.

NOW, THEREFORE, BE IT ORDAINED BY THE Board of Commissioners of the County of Morgan as follows:

Section 1. The foregoing recitals are fully incorporated herein by reference.

Section 2. Section 30.04 of the Morgan County Code is hereby amended as follows:

"(B) The Board of Commissioners hereby designates the following persons to serve as purchasing agents for the county:

- (1) Each elected county official;
- (2) Each Circuit and Superior Court Judge;
- (3) The County Highway Superintendent;

(4) Each department head;

(5) the County Engineer

- (E) **Authorization.** Each purchasing Agent as set forth above shall have all the powers and duties authorized as a Purchasing Agency under Ind. Code § 5-22.
- (F) **List of Agents.** A list of purchasing agents not enumerated above and/or deputy purchasing agents for each department or functional unit shall be updated immediately upon changes in personnel. All changes shall be reported to the Auditor. A copy of such list shall be provided annually to the Commissioners not later than January 10 of each calendar year. The purchasing agency may designate, in writing, additional purchasing agents as necessary.
- (G) **Approval Requirements.** Prior to the approval, acceptance or execution of any purchase, contract, amendment, or change order by any purchasing agent of Morgan County, such proposed purchase, contract, amendment, or change order must satisfy approved Council appropriations and amounts intended to be utilized for the purchase, contract, amendment, or change order and upon the approval, acceptance, or execution of the purchase, contract, amendment, or change order, such sum shall be encumbered for such purpose.
- (H) **Purchases.** The purchasing agent may purchase supplies with an estimated cost between Ten Thousand Dollars (\$10,000) and Fifty Thousand Dollars (\$50,000) on the open market after inviting three quotes, and otherwise in a manner the purchaser determines to be reasonable, so long as it doesn't conflict with existing state statute. These purchases require Commissioner review of the claims and approval in the normal course of approval of a claims docket.

(I) **Small Purchases.** Under Ind. Code § 5-22-8-2, the following is the County's small purchase policy. With the exception of the items listed as exempt from the public purchasing laws, purchases costing less than Ten Thousand Dollars (\$10,000) are governed by this policy.

(1) The purchasing agent shall compare prices from as many responsible suppliers of supplies, or service companies known to provide the relevant types of services, as is practical under each circumstance, as determined by the purchasing agent. The purchasing agent should make a purchase where total costs are lowest, taking into consideration any applicable preferences (incorporated here by reference, as noted in Ind. Code § 5-22-15-16, -20-9, and -2), when quality and timeliness of delivery are comparable. Comparison pricing can be obtained via telephone, letter, email, or otherwise.

(2) The purchasing agent shall not artificially divide purchases so as to constitute a "small purchase."

(3) Nothing in this policy shall be interpreted to preclude the purchasing agent from making a special purchase, as that term is referenced under Ind. Code § 5-22.

(J) The purchasing agent may purchase supplies between Fifty Thousand Dollars (\$50,000) and One Hundred Fifty Thousand Dollars (\$150,000), but Ind. Code § 5-22-8-3 shall be followed for those purchases, with Commissioner approval required for any contract relating to the purchase, and for any purchases requiring financing.

Section 3. All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section 4. Purchases for services shall be made in accordance with Indiana law, and that process is unaffected by this Ordinance.

Section 5. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.

Section 6. This Ordinance shall be in full force and effect from and after its passage and signing by the Commissioners.

PASSED by the Commissioners of County of Morgan, Indiana this 6th day of May 2024, by a vote of 3 ayes and 0 nays.

MORGAN COUNTY COMMISSIONERS
MORGAN COUNTY, INDIANA



Bryan Collier, District 1

5-6-24

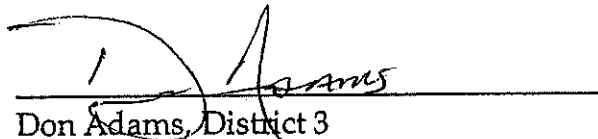
Date



Kenny Hale, District 2

5/6/24

Date

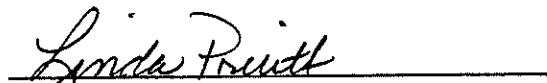


Don Adams, District 3

May 6, 2024

Date

ATTEST:


Linda Pruitt, Morgan County Auditor